

REMARKS

Claims 1 through 5, 7 through 11 and 13 through 17, 19 and 20 are pending in the application. Claims 6, 12 and 18 are canceled.

Claims 4, 6, 10, 12, 16, 18 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 6, 12 and 18 are cancelled. Claims 4, 10, 16 and 20 are amended. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4, 6, 10, 12, 16, 18 and 20.

Claims 4 through 6, 10 through 12, 16 through 18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 6, 12 and 18 are cancelled. Claims 4, 5, 10, 11, 16, 17 and 20 are amended. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4 through 6, 10 through 12, 16 through 18 and 20.

Claims 1 through 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,748,853 to Brady et al, hereinafter "Brady". Claims 1, 7 and 13 are independent. Applicant respectfully traverses this rejection.

Claim 1 provides a cover assembly for a food processing appliance comprising a cover for cooperating with a container, and an accessory for cooperating with the ingress area. The container cooperates with an operating base, the cover has an upper side with a predefined ingress area, and the operating base has a rotating tool with a center of rotation and a peripheral impact region. The peripheral impact region is radially distanced from the center of rotation. The ingress area overlies at least a substantial portion of an outermost portion of the peripheral impact region relative to the center of rotation, and the ingress area does not overlap the center of rotation.

Brady discloses a food processor having a main body member 10 that includes a

base member 12 (col. 6, lines 19-20). Base member 12 has an upper surface 14 on which a bowl or mixing vessel 16 can be positioned (col. 6, lines 20-22). Bowl 16 has a central, upwardly extending, hollow tubular member 24 that fits over a drive shaft 18 (col. 6, lines 25-27). Drive shaft 18 has an uppermost portion 25 which extends into a bushing 33 in a lid or closure member 32 when bowl 16 is placed onto base member 12 over shaft 18 (col. 6, lines 28-34).

A cutter 26 has a hollow body 90 which fits over tubular member 24 and an inner tubular shaft 92 which fits over the drive shaft 18 (col. 6, lines 49-52). Cutter blades 98 are attached on the outer surface of the lower cutter 26 (col. 8, lines 5-7). Lid 32 fits on to bowl 16, and includes a delivery chute 36 at one side and a feed tube 38 extends upward from the top of lid 32 (col. 6, lines 53-58). A pusher 54 can be provided for pushing material down the feed tube 38 (col. 7, lines 12-13).

Brady discloses a food processor having a lid that includes a delivery chute. However, Brady does not disclose or teach a preferable size or shape of the surface area of the delivery chute, and further does not disclose a position of the delivery chute over the cutter or cutter blades. Therefore, Brady does not disclose a cover assembly for a food processing appliance "wherein said ingress area overlies at least a substantial portion of an outermost portion of said peripheral impact region relative to said center of rotation," as recited in claim 1.

Thus, Brady fails to disclose or suggest the elements of claim 1. Therefore, claim 1 is patentable over Brady.

Claims 2 through 5 depend from claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 2 through 5 are also patentable over Brady.

Independent claims 7 and 13 include recitals similar to claim 1. Therefore, for at least reasoning similar to that provided in support of the patentability of claim 1, claims 7

and 13 are patentable over Brady.

Claims 8 through 11 depend from claim 7, and claims 14 through 17, 19 and 20 depend from claim 13. For at least reasoning similar to that provided in support of the patentability of claims 7 and 13, claims 8 through 11, 14 through 17, 19 and 20 are also patentable over Brady.

In addition, regarding claims 2, 8 and 14, Applicant disagrees with the Examiner's contention that Brady discloses that the ingress area has a cross-sectional area substantially equal to half of a lower side of the cover. Brady nowhere implies or specifies a preferred cross-sectional area of the feed tube. In addition, although Brady does not specify a preferred size of an opening, the feed tube 38 shown in Figure 11 clearly appears much smaller than a surface area of either side of lid 32. Therefore, Applicant respectfully submits that Brady provides no teaching regarding a surface area of a lid ingress area, and further does not teach or suggest a surface area being "substantially equal" to half that of a lower side of a lid or cover.

Thus, Brady does not disclose or suggest that "said ingress area has a cross-sectional area substantially equal to half that of a lower side of said cover," as recited in claim 2, that "said ingress area has a cross-sectional area substantially equal to half the cross-sectional area of the cover, as recited in claim 8, and that "said ingress area has a cross-sectional area substantially equal to half a cross-sectional area of said body," as recited in claim 14. Therefore, Brady does not disclose or suggest the elements of claims 2, 8 and 14.

For the reasons set forth above, the rejection of claims 1 through 20 under 35 U.S.C. 102(e) as anticipated by Brady is overcome. Applicant respectfully requests that the rejection of claims 1 through 20 be reconsidered and withdrawn.

Claims 1 through 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,058,833 to Ling et al, hereinafter "Ling". Claims 1, 7 and 13 are

independent. Applicant respectfully traverses this rejection.

Ling discloses an automatic grater for producing food paste (col. 1, lines 58-60). The grater includes a lid 2, a grating disc 3, a rotational retainer 4, a paste collector 5, a bottom plate 6, a flow guide 7, and a base 8 (col. 1, lines 60-62). Lid 2 has a curved feeding opening 21 provided at one end of a top surface thereof (col. 1, lines 64-65). The grating disc 3 includes a circular seat 31 at a bottom side thereof, and an upward projected central portion that forms an internally threaded head 32 (col. 2, lines 5-7). A rotational shaft 81 of a motor projects from a top center of base 8 (col. 2, lines 13-15). Grating disc 3 is positioned on the top of base 8 around rotational shaft 81 and rotates along with rotational shaft 81 when the motor is started (col. 2, lines 18-25).

Ling discloses a food processor having a lid that includes a curved feeding opening. However, Ling does not disclose or teach a preferable size or shape of the surface area of the feeding opening. Furthermore, Ling does not disclose or suggest a preferred position of the feeding opening over the grating disc. Therefore, Ling does not disclose a cover assembly for a food processing appliance "wherein said ingress area overlies at least a substantial portion of an outermost portion of said peripheral impact region relative to said center of rotation," as recited in claim 1.

Thus, Ling fails to disclose or suggest the elements of claim 1. Therefore, claim 1 is patentable over Ling.

Claims 2 through 5 depend from claim 1. For at least the reasons provided in support of the patentability of claim 1, claims 2 through 5 are also patentable over Ling.

Independent claims 7 and 13 include recitals similar to claim 1. Therefore, for reasoning similar to that provided in support of the patentability of claim 1, claims 7 and 13 are patentable over Ling.

Claims 8 through 11 depend from claim 7, and claims 14 through 17, 19 and 20 depend from claim 13. For at least reasoning similar to that provided in support of the patentability of claims 7 and 13, claims 8 through 11, 14 through 17, 19 and 20 are also patentable over Ling.

Regarding claims 2, 8 and 14, Applicant again disagrees with the Examiner's contention that Ling discloses that the ingress area has a cross-sectional area substantially equal to half of a lower side of the cover. Ling nowhere implies or specifies a preferred cross-sectional area of the feeding opening. In addition, although Ling does not specify a preferred size of an opening, the feeding opening 21 of Figures 1 and 2 clearly appears to be much smaller than a surface area of either side of lid 2. Therefore, Applicant respectfully submits that Ling provides no teaching regarding a surface area of a lid ingress area, and further does not teach or suggest a surface area being "substantially equal" to half that of a lower side of a lid or cover.

Thus, Ling does not disclose or suggest that "said ingress area has a cross-sectional area substantially equal to half that of a lower side of said cover," as recited in claim 2, that "said ingress area has a cross-sectional area substantially equal to half the cross-sectional area of the cover, as recited in claim 8, and that "said ingress area has a cross-sectional area substantially equal to half a cross-sectional area of said body," as recited in claim 14. Therefore, Ling does not disclose or suggest the elements of claims 2, 8 and 14.

For the reasons set forth above, the rejection of claims 1 through 20 under 35 U.S.C. 102(b) as anticipated by Ling is overcome. Applicant respectfully requests that the rejection of claims 1 through 20 be reconsidered and withdrawn.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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